

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

RONALD JEROME FISHER,)	No. CV-F-05-388 REC/TAG HC
)	
)	ORDER DISMISSING PETITION
Petitioner,)	FOR WRIT OF HABEAS CORPUS
)	PURSUANT TO 28 U.S.C. § 2241
vs.)	AND DIRECTING ENTRY OF
)	JUDGMENT FOR RESPONDENT
)	
PAUL M. SCHULTZ, Warden,)	
)	
)	
Respondent.)	
)	
)	

On June 27, 2005, the United States Magistrate Judge recommended that the court dismiss petitioner's petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241.

On July 19, 2005, petitioner timely filed objections to the recommendation.

The court has reviewed the record herein de novo and concurs in the recommendation. Petitioner has attempted several times to raise this claim for relief pursuant to 28 U.S.C. § 2255 and been denied that the United States District Court for the Northern District of Texas and the United States Court of Appeal for the

1 Fifth Circuit. The court also notes that petitioner filed a
2 petition for relief under 28 U.S.C. § 2241 in the United States
3 District Court for the Western District of Louisiana, the
4 dismissal of which was affirmed by the Fifth Circuit. See Fisher
5 v. Casterlane, 54 Fed.Appx. 797 (5th Cir. 2002). Therefore,
6 petitioner is precluded by 28 U.S.C. § 2244(a) from proceeding
7 with the same claim in this court.

8 ACCORDINGLY:

9 1. The petition for writ of habeas corpus pursuant to
10 28 U.S.C. § 2241 is dismissed.

11 2. The Clerk of the Court is directed to enter judgment for
12 respondent.

13 IT IS SO ORDERED.

14 **Dated: July 29, 2005**
15 668554

/s/ Robert E. Coyle
UNITED STATES DISTRICT JUDGE